

## DECLARATION AND POWER OF ATTORNEY FOR U.S. PATENT APPLICATIONS

(X) Original ( ) Supplemental ( ) Substitute ( ) PCT ( ) DESIGN

As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that I verily believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Title: Anti-human influenza virus antibody

of which is described and claimed in:

(X) the attached specification, or  
 ( ) the specification in the application Serial No. \_\_\_\_\_ filed \_\_\_\_\_;  
 and with amendments through \_\_\_\_\_ (if applicable), or  
 ( ) the specification in International Application No. PCT/ \_\_\_\_\_, filed \_\_\_\_\_, and as amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the content of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 (and §172 if this application is for a Design) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

COUNTRY	APPLICATION NO.	DATE OF FILING	PRIORITY CLAIMED
Japan	272538/92	September 17, 1992	(X) YES ( ) NO
Japan	115216/93	April 20, 1993	(X) YES ( ) NO
Japan		March 16, 1994	(X) YES ( ) NO
			( ) YES ( ) NO
			( ) YES ( ) NO
			( ) YES ( ) NO

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

SERIAL NO.	U.S. FILING DATE	STATUS
08/054,016	April 29, 1993	( ) Patented (X) Pending ( ) Abandoned
		( ) Patented ( ) Pending ( ) Abandoned
		( ) Patented ( ) Pending ( ) Abandoned

And I hereby appoint V. M. Creedon, Reg. No. 17111, John T. Miller, Reg. No. 21120, John T. Fedigan, Reg. No. 24347, Michael R. Davis, Reg. No. 25134, Matthew M. Jacob, Reg. No. 25154, Jeffrey Nolton, Reg. No. 25408, Henry M. Zykorie, Reg. No. 27477, and Michael Stone, Reg. No. 32442, who together constitute the firm of WENDEROTH, LIND & PONACK, jointly and severally, attorneys to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected therewith.

I hereby authorize the U.S. attorneys named herein to accept and follow instructions from \_\_\_\_\_ as to any action to be taken in the U.S. Patent and Trademark Office regarding this application without direct communication between the U.S. attorneys and myself. In the event of a change in the persons from whom instructions may be taken, the U.S. attorneys named herein will be so notified by me.

## Send Correspondence to

WENDEROTH, LIND & PONACK, L.L.P.  
 2033 K Street, N.W., Suite 800  
 Washington, D.C. 20006

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 Area Code (202) 721-8200

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Area Code (202) 721-8250

09913568-080101

FULL NAME OF 1ST INVENTOR	FAMILY NAME OKUNO	FIRST GIVEN NAME Yoshinobu	SECOND GIVEN NAME
RESIDENCE & CITIZENSHIP	CITY Toyonaka-shi, Osaka-fu,	STATE OR COUNTRY Japan	COUNTRY OF CITIZENSHIP Japan
POST OFFICE ADDRESS	ADDRESS 1-24-E-808, Kamishinden, Toyonaka-shi, Osaka-fu,	CITY Toyonaka-shi, Osaka-fu,	STATE OR COUNTRY Japan
FULL NAME OF 2ND INVENTOR	FAMILY NAME ISEGAWA	FIRST GIVEN NAME Yuji	SECOND GIVEN NAME
RESIDENCE & CITIZENSHIP	CITY Takatsuki-shi, Osaka-fu,	STATE OR COUNTRY Japan	COUNTRY OF CITIZENSHIP Japan
POST OFFICE ADDRESS	ADDRESS 7-43, Ichiban-cho, Hiyoshidai, Takatsuki-shi, Osaka-fu,	CITY Takatsuki-shi, Osaka-fu,	STATE OR COUNTRY Japan
FULL NAME OF 3RD INVENTOR	FAMILY NAME SASAO	FIRST GIVEN NAME Fuyoko	SECOND GIVEN NAME
RESIDENCE & CITIZENSHIP	CITY Ibaraki-shi, Osaka-fu,	STATE OR COUNTRY Japan	COUNTRY OF CITIZENSHIP Japan
POST OFFICE ADDRESS	ADDRESS 2-6-G-201, Tenno,	CITY Ibaraki-shi, Osaka-fu,	STATE OR COUNTRY Japan
FULL NAME OF 4TH INVENTOR	FAMILY NAME UEDA	FIRST GIVEN NAME Shigeharu	SECOND GIVEN NAME
RESIDENCE & CITIZENSHIP	CITY Nishinomiya-shi, Hyogo-ken,	STATE OR COUNTRY Japan	COUNTRY OF CITIZENSHIP Japan
POST OFFICE ADDRESS	ADDRESS 1-36, Kitarokkodai,	CITY Nishinomiya-shi, Hyogo-ken,	STATE OR COUNTRY Japan
FULL NAME OF 5TH INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
RESIDENCE & CITIZENSHIP	CITY	STATE OR COUNTRY	COUNTRY OF CITIZENSHIP
POST OFFICE ADDRESS	ADDRESS	CITY	STATE OR COUNTRY ZIP CODE
FULL NAME OF 6TH INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
RESIDENCE & CITIZENSHIP	CITY	STATE OR COUNTRY	COUNTRY OF CITIZENSHIP
POST OFFICE ADDRESS	ADDRESS	CITY	STATE OR COUNTRY ZIP CODE

I further declare that all statements made herein of my own knowledge are true, and that all statements on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

1st Inventor Yoshinobu Okuno (Yoshinobu Okuno) Date March 14, 1994  
 2nd Inventor Yuji Isegawa (Yuji Isegawa) Date March 14, 1994  
 3rd Inventor Fuyoko Sasao (Fuyoko Sasao) Date March 14, 1994  
 4th Inventor Shigeharu Ueda (Shigeharu Ueda) Date March 14, 1994  
 5th Inventor \_\_\_\_\_ Date \_\_\_\_\_  
 6th Inventor \_\_\_\_\_ Date \_\_\_\_\_

The above application may be more particularly identified as follows:

U. S. Application Serial No. \_\_\_\_\_, Filing Date \_\_\_\_\_  
 Applicant Reference Number \_\_\_\_\_, Atty Docket No. \_\_\_\_\_  
 Title of Invention \_\_\_\_\_

## DECLARATION AND POWER OF ATTORNEY FOR U.S. PATENT APPLICATION

☐ Original ☒ Supplemental ☐ Substitute ☐ PCT ☐ DESIGN

As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that I verily believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Title: ANTI-HUMAN INFLUENZA VIRUS ANTIBODY

of which is described and claimed in:

☐ the attached specification, or

☒ the specification in application Serial No. 09/004,422, filed January 8, 1998, and with amendments through May 3, 2001, or

☐ the specification in International Application No. , filed , and as amended on (if applicable).

I hereby state that I have reviewed and understand the content of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

I acknowledge my duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim priority benefits under Title 35, United States Code, §119 (and §172 if this application is for a Design) of any application(s) for patent or inventor's certificate listed below and have also identified below any application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

COUNTRY	APPLICATION NO.	DATE OF FILING	PRIORITY CLAIMED
Japan	272538/92	September 17, 1992	Yes
Japan	115216/93	April 20, 1993	Yes
Japan	070194/94	March 16, 1994	Yes

I hereby claim the benefit under Title 35, United States Code §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION SERIAL NO.	U.S. FILING DATE	STATUS: PATENTED, PENDING, ABANDONED
08/054,016	April 29, 1993	Abandoned
08/229,781	April 19, 1994	Patented
08/443,862	May 22, 1995	Abandoned

And I hereby appoint Michael R. Davis, Reg. No. 25,134; Matthew M. Jacob, Reg. No. 25,154; Warren M. Cheek, Jr., Reg. No. 33,367; Nils Pedersen, Reg. No. 33,145; Charles R. Watts, Reg. No. 33,142; and Michael S. Huppert, Reg. No. 40,268, who together constitute the firm of WENDEROTH, LIND & PONACK, L.L.P., as well as any other attorneys and agents associated with Customer No. 000513, to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected therewith.

I hereby authorize the U.S. attorneys and agents named herein to accept and follow instructions from ADATI PATENT OFFICE as to any action to be taken in the U.S. Patent and Trademark Office regarding this application without direct communication between the U.S. attorneys and myself. In the event of a change in the persons from whom instructions may be taken, the U.S. attorneys named herein will be so notified by me.

Direct Correspondence to Customer No:



000513

PATENT TRADEMARK OFFICE

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Washington, D.C. 20006-1021

Phone (202) 721-8200  
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Full Name of First Inventor	FAMILY NAME OKUNO	FIRST GIVEN NAME Yoshinobu	SECOND GIVEN NAME
Residence & Citizenship	CITY Osaka-fu	STATE OR COUNTRY Japan	COUNTRY OF CITIZENSHIP Japan
Post Office Address	ADDRESS 1-24-E-808, Kamishinden, Toyonaka-shi, Osaka-fu, Japan	CITY	STATE OR COUNTRY ZIP CODE
Full Name of Second Inventor	FAMILY NAME ISEGAWA	FIRST GIVEN NAME Yuji	SECOND GIVEN NAME
Residence & Citizenship	CITY Osaka-fu	STATE OR COUNTRY Japan	COUNTRY OF CITIZENSHIP Japan
Post Office Address	ADDRESS 7-43, Ichiban-cho, Hiyoshidai, Takatsuki-shi, Osaka-fu, Japan	CITY	STATE OR COUNTRY ZIP CODE
Full Name of Third Inventor	FAMILY NAME SASAO	FIRST GIVEN NAME Fuyoko	SECOND GIVEN NAME
Residence & Citizenship	CITY Osaka-fu	STATE OR COUNTRY Japan	COUNTRY OF CITIZENSHIP Japan
Post Office Address	ADDRESS 2-6-G-201, Tenno, Ibaraki-shi, Osaka-fu, Japan	CITY	STATE OR COUNTRY ZIP CODE
Full Name of Fourth Inventor	FAMILY NAME UEDA	FIRST GIVEN NAME Shigeharu	SECOND GIVEN NAME
Residence & Citizenship	CITY Hyogo-ken	STATE OR COUNTRY Japan	COUNTRY OF CITIZENSHIP Japan
Post Office Address	ADDRESS 1-36, Kitarokkodai, Nishinomiya-shi, Hyogo-ken, Japan	CITY	STATE OR COUNTRY ZIP CODE
Full Name of Fifth Inventor	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
Residence & Citizenship	CITY	STATE OR COUNTRY	COUNTRY OF CITIZENSHIP
Post Office Address	ADDRESS	CITY	STATE OR COUNTRY ZIP CODE
Full Name of Sixth Inventor	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME

<b>Residence &amp; Citizenship</b>	<b>CITY</b>	<b>STATE OR COUNTRY</b>	<b>COUNTRY OF CITIZENSHIP</b>
<b>Post Office Address</b>	<b>ADDRESS</b>	<b>CITY</b>	<b>STATE OR COUNTRY ZIP CODE</b>

I further declare that all statements made herein of my own knowledge are true, and that all statements on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

1st Inventor Yoshinobu Okuno Date May 29, 2001  
Yoshinobu OKUNO  
2nd Inventor Yuji Isegawa Date May 29, 2001  
Yuji ISEGAWA  
3rd Inventor Fuyoko Sasao Date May 29, 2001  
Fuyoko SASAO  
4th Inventor Shigeharu Ueda Date May 29, 2001  
Shigeharu UEDA  
5th Inventor \_\_\_\_\_ Date \_\_\_\_\_  
6th Inventor \_\_\_\_\_ Date \_\_\_\_\_

The above application may be more particularly identified as follows:

U.S. Application Serial No. 09/004,422 Filing Date January 8, 1998

Applicant Reference Number F-3301-CIP-Div.I-CA Atty Docket No. 00001/F-3301-CIP-Div.I-CA

Title of Invention ANTI-HUMAN INFLUENZA VIRUS ANTIBODY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of :  
Yoshinobu OKUNO et al. :  
Serial No. NEW : **Attn: Application Branch**  
Filed August 1, 2001 : **Attorney Docket No. 2001\_0977**

POLYPEPTIDES FOR USE IN GENERATING  
ANTI-HUMAN INFLUENZA VIRUS ANTIBODIES  
(AS AMENDED)  
**(Rule 1.53(b) Divisional of Serial No. 09/004,422,  
Filed January 8, 1998)**

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**DEPOSIT DECLARATION**

Assistant Commissioner for Patents,  
Washington, DC 20231

Sir:

Takara Shuzo Co., Ltd., Assignee of record of the above-identified application, by its undersigned duly authorized representative, hereby declares:

That hybridomas C179 and AI3C have been deposited at the National Institute of Bioscience and Human-Technology, Agency of Industrial Science and Technology, of 1-3, Higashi 1-chome, Tsukuba-shi, Ibaraki-ken, 305 Japan on December 27, 1993 (for both) under the Budapest Treaty, as deposit Nos. FERM BP-4517 and FERM BP-4516;

That the depository affords permanence of the deposits and ready accessibility thereto by the public if a patent is granted;

That access to the deposits during the pendency of the above-identified application to one determined by the Commissioner to be entitled thereto under 37 C.F.R. 1.14 and 35 U.S.C. 122 is hereby assured;

That all restrictions on the availability of the deposits to the public will be irrevocably removed upon the granting of the U.S. Patent on the above-identified application;

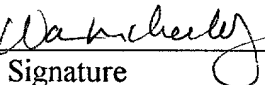
That each of the deposits shall be stored by the depository, with all the care necessary to keep it viable and uncontaminated, for a period of at least five years after the most recent request for the furnishing of a sample of the deposits was received by the depository, or for a period of at least 30 years after the date of the deposit, or for the effective life of the U.S. Patent, whichever is longest; and

That the Assignee acknowledges its duty to replace any such deposits should the depository be unable to furnish a sample when requested due to the condition of the deposit.

That the undersigned is authorized to execute this agreement on behalf of the Assignee.

The undersigned declares further that all statements made herein of his own knowledge are true, and that all statements on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: August 1, 2001

  
\_\_\_\_\_  
Signature

Title: Attorney for Applicant